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| EXAMINER |
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AGWUMEZIE, CHARLES C

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| ART UNIT | PAPER NUMBER |
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3685

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| NOTIFICATION DATE | DELIVERY MODE |
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12/28/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

| | | | |
|------------------------------|---|---------------------------------------|--|
| Office Action Summary | Application No. 10/575,703 | Applicant(s) SHIMIZU ET AL. | |
| | Examiner CHARLES C. AGWUMEZIE | Art Unit 3685 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 16-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>see continuation</u> . | 6) <input type="checkbox"/> Other: _____ |

04/13/06; 11/27/07; 08/05/08; and 01/27/09

DETAILED ACTION

Acknowledgement

1. Applicant's argument/amendment filed on September 29, 2009 is acknowledged. Accordingly claims 1-44 remain pending.

Response to Arguments

2. Applicant's arguments filed September 29, 2009 have been fully considered but they are not persuasive.

3. With respect to **claims 1, 17, and 20**, Applicant argues that Alkove does not disclose "a partial content that holds license information containing a use condition."

In response, Examiner respectfully disagrees and submits that Alkove does disclose "a partial content that holds license information containing a use condition." For example Alkove clearly discloses that each group of the multiple independent groups (partial content) is separately licensable and may include any combination of one or more of the available data streams (0018). Alkove further discloses that existing DRM techniques and encoded data file formats do not allow the content owner to respectively differentiate the licensing value of one file data portion from another file data portion. Rather all file data portions are collectively licensed as a single entity. To solve the above problem Alkove provides DRM technique that allows encoded data portions of a file to be separately licensable and combined at the receiving end user device. In other words, Alkove describes the systems and methods which provides digital rights management (DRM) that enables a content owner to license respective portions (partial

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content) of a single content package (see 0034). For this reason Alkove does disclose “a partial content (respective data portions) that holds license information (separately licensed portions) containing a use condition (rules).”

4. Applicant further argues that there is no discussion in Alkove of “assigning respective license information to a plurality of partial contents that ... make up a collective content and generating single license information by collecting the assigned respective license information.”

In response, Examiner respectfully disagrees and submits that Alkove does disclose “assigning respective license information to a plurality of partial contents that ... make up a collective content and generating single license information by collecting the assigned respective license information.” As a matter of fact this is the main crux of Alkove’s invention. As discussed in the preceding paragraph, Alkove clearly discloses that each group or portion (partial content) of the content is separately licensed and combined at the receiving device. (see 0013; 0018). At the receiving end, according to Alkove, once acquired, license 118 provides end user 110, or the license holder, with access to the licensed portions of the data file 114 (see fig. 1; see 0021). Accordingly it is Examiner position that Alkove discloses “assigning respective license information to a plurality of partial contents (separately licensed portions) that ... make up a collective content (combined encoded data file) and generating single license information by collecting the assigned respective license information (end user only needs license 118 to access the encoded portions separately licensed).”

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5. Applicant further argues with respect to **claim 17**, Alkove does not disclose “output control unit for outputting both or either of license information generated by the license generation unit and the collective content associated therewith to a recoding medium via the input-output interface.”

In response, Examiner respectfully disagrees and submits that Alkove does disclose “output control unit for outputting both or either of license information generated by the license generation unit and the collective content associated therewith to a recoding medium via the input-output interface.” As seen in fig. 1, the content packager outputs both or either of license information generated by the license generation unit and the data file 114 associated therewith to a recoding medium via the input-output interface. To argue that Alkove does not provide input-output interface is simply to argue that computers does not have an input-output interfaces. Similarly to argue that Alkove does not provide an output control unit that outputs both or either of license and the respective data portions is to total ignore the evidence on fig. 1, which clearly describes output of both license and data portions of the encoded file.

6. With respect to **claims 2-13, 15, 18, 19, 21-32 and 34**, Applicant argues that these claims are allowable by virtue of their dependency on a corresponding independent claim.

In response, Examiner respectfully disagrees and submits that these claims are neither allowable by virtue of their dependency from their respective independent claims nor for their own individually recited features.

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7. With respect to **claims 14, 16, 33 and 35**, Applicant argues that Matasuyama does not remedy the noted deficiencies of Alkove and thus cannot correct the defects of Examiners rejection based solely on Alkove.

In response, Examiner respectfully disagrees and submits that Matasuyama was not introduced to remedy any defect of Alkove and therefore discloses the limitations of the dependent claims 14, 16, 33 and 35 as shown in the rejections.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1-13, 15, 17-32, and 34** rejected under 35 U.S.C. 102(e) as being anticipated by Alkove et al (hereinafter “Alkove”) U.S. Patent Application Publication No. 2004/0143760 A1.

10. As per **claims 1, 17, 18, 19 and 20**, Alkove discloses a content use control device for performing use control of a content provided from a providing source of various contents to a user, comprising:

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an input-output interface (end user; see figs 1 and 3) for connecting to providing source capable of providing a partial content that holds license information containing a unique use condition (see fig. 1, which discloses license terms, decrypting info...; see fig. 3, each of the computers e.g. end-user 110, content packager 104, have input-output interface); and

license generation unit for assigning respective license information to a plurality of partial contents that are inputted via the input-output interface and that make up a collective content and generating single license information by collecting the assigned respective license information (0004, which discloses that all file portions can be licensed according to one or multiple defined licensing schemes or no file portions are licensed; 0005; 0006; 0018; 0034).

11. As per **claims 2 and 21**, Alkove further discloses the content use control device, wherein the license generation unit assigns respective license information to a plurality of first collective contents that are made up of a plurality of partial contents and that make up a second collective content and generates single license information by collecting the assigned respective license information (0004; 0005, 0006; 00018).

12. As per **claims 3 and 22**, Alkove further discloses the content use control device wherein the license generation unit imparts a unique content id to each of partial contents contained in the collective content and imparts a unique license id to license

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information corresponding to each of the partial contents contained in the collective content (0018; 0034).

13. As per **claims 4 and 23**, Alkove further discloses the content use control device, wherein the content id and the license id are associated with each other (0019; 0026).

14. As per **claims 5 and 24**, Alkove further discloses the content use control device, wherein the input-output interface enables connection to one or more of providing sources including a recording medium having the partial contents recorded thereon, a network having a server device capable of providing the partial contents, and a digital broadcasting network capable of distributing the partial contents (see fig. 1).

15. As per **claims 6 and 25**, Alkove further discloses the content use control device, comprising:

external or internal recording unit and output control unit for outputting both or either of license information generated by the license generation unit and the collective content associated therewith to a recording medium via the recording unit or the input-output interface (see figs. 1 and 3).

16. As per **claims 7 and 26**, Alkove further discloses the content use control device, wherein the output control unit outputs license information generated by the license generation unit and the collective content associated therewith to different recording

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regions of the recording medium via the recording unit or the input-output interface (see fig. 1).

17. As per **claims 8, and 27**, Alkove further discloses the content use control device, comprising:

content reproduction unit for decoding and reproducing partial contents contained in the collective content recorded on the recording medium or the recording unit (0003); and

use control unit for controlling use of the reproduced partial contents in accordance with a use condition contained in the license information associated therewith (see fig. 1).

18. As per **claims 9 and 28**, Alkove further discloses the content use control device, wherein the collective content consists of video data and/or audio data, and wherein the partial contents making up the collective content are segments of the video data and/or the audio data segmented based on the time (see fig. 2, which discloses audio, video and metadata streams; 0002; 0017, which discloses that the encoded digital media file is a single file that includes multiple streams of digital data such as any combination of video, audio, and/or metadata data streams).

19. As per **claims 10 and 29**, Alkove further discloses the content use control device, wherein the collective content is obtained by multiplexing partial contents each

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composed of one or more of the video data, audio data, and data broadcasting data (see fig. 2; 0002; 0003).

20. As per **claims 11 and 30**, Alkove further discloses the content use control device, wherein the partial content is an mpeg-2 ES (elementary stream) (0002).

21. As per **claims 12 and 31**, Alkove further discloses the content use control device, wherein the partial content is a stream of one or more of BS broadcasting, CS broadcasting, and terrestrial digital broadcasting (0002).

22. As per **claims 13 and 32**, Alkove further discloses the content use control device, wherein the partial contents are ES group which belong to a single component group (0002).

23. As per **claims 15 and 34**, Alkove further discloses the content use control device, wherein the collective content is obtained by combining the partial contents each composed of image data and/or document data (see fig. 2; 0023).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 14, 16, 33 and 35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Alkove et al (hereinafter “Alkove”) U.S. Patent Application Publication No. 2004/0143760 A1 in view of Matsuyama et al (hereinafter “Matsuyama”) U.S. Patent Application Publication No. 2002/0056747 A1.

26. As per **claims 14 and 33**, Alkove failed to explicitly disclose the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, age viewing-and-listening restriction information for restricting the viewing-and-listening of the partial content by the age, use count restriction information for restricting the use count of the partial content, and time limit for use information for restricting the time limit for use of the partial content.

Matsuyama discloses the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, age viewing-and-listening restriction information for restricting the viewing-and-listening of the partial content by the age, use count restriction information for restricting the use count of the partial content, and time limit for use information for restricting the time limit for use of the partial content (0025; 0038; 0048; 0134; 0137; 0138).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Alkove and incorporate a method

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wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, age viewing-and-listening restriction information for restricting the viewing-and-listening of the partial content by the age, use count restriction information for restricting the use count of the partial content, and time limit for use information for restricting the time limit for use of the partial content in order to ensure adequate security of the protected data stream.

27. As per claims 16 and 35, Alkove failed to explicitly disclose the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, print restriction information for restricting print of the partial content, time limit for use information for restricting the time limit for use of the partial content, resolution restriction information for restricting the resolution conversion of the partial content, and the number-of-colors restriction information for restricting the number of colors of the partial content.

Matsuyama discloses the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, print restriction information for restricting print of the partial content, time limit for use information for restricting the time limit for use of the partial content, resolution restriction information for restricting the resolution conversion of the partial content, and the number-of-colors restriction

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information for restricting the number of colors of the partial content (0025; 0038; 0048; 0134; 0137; 0138).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Alkove and incorporate a method wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, print restriction information for restricting print of the partial content, time limit for use information for restricting the time limit for use of the partial content, resolution restriction information for restricting the resolution conversion of the partial content, and the number-of-colors restriction information for restricting the number of colors of the partial content in order to ensure adequate security of the protected data stream.

Conclusion

28. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
December 21, 2009